

ORDINANCE NO. 960

AN ORDINANCE ADOPTING A PROCEDURE FOR THE  
REPAIR, VACATION AND DEMOLITION OF UNSAFE  
BUILDINGS.

The City Council of the City of Lodi does ordain as follows:

Section 1. There is hereby added to Chapter 5 of the Code of the City of Lodi a new article to be numbered VII, entitled, "A Procedure For the Repair, Vacation and Demolition of Unsafe Buildings," to read as follows:

Article VII. A Procedure For the Repair, Vacation and Demolition of Unsafe Buildings.

Sec. 5.50. DECLARATION OF PURPOSE. It is the purpose of this Chapter to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy available at law, whereby buildings or structures which are dilapidated, unsafe, dangerous, unsanitary, or are a menace to the life, limb, health, morals, property, safety and general welfare of the people of the City of Lodi, or which tend to constitute a fire hazard, may be required to be repaired, vacated or demolished.

Sec. 5.51. PUBLIC NUISANCE DEFINED. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, neglect, decay, dilapidation, obsolescence, or abandonment as specified in the Uniform Building Code or any other

section of the City Code are, for the purpose of this Chapter, declared to be a public nuisance and shall be repaired, vacated and repaired, or demolished as hereinafter provided.

Sec. 5.52. INSPECTION. (1) The Building Official of the City of Lodi shall cause to be inspected every building or structure, or portion thereof reported as unsafe, dangerous or a hazard.

(2) The Health Officer, the Fire Chief, and the Building Official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Section.

Sec. 5.53. NOTICE TO REPAIR, VACATE AND REPAIR, OR DEMOLISH. If the Building Official finds that any building or structure, or portion thereof is unsafe, dangerous or a hazard, he shall prepare a notice in writing stating in detail the conditions which render the building or structure, or portion thereof, a nuisance as defined in Section 5.51, and ordering the repair, vacation and repair, or demolition thereof within thirty (30) days from the date of personal service or mailing of the notice.

Sec. 5.54. DESCRIPTION. The notice shall set forth the street address and a legal description sufficient for identification of the premises upon which the building or structure is located.

Sec. 5.55. SERVICE AND POSTING OF NOTICE.  
(1) Copies of the notice shall be served upon each of the following: The person, if any, in real or apparent charge and control of the premises involved; the owner of record

title; the holder of any mortgage, trust deed, or other lien or encumbrance of record; the owner or holder of any lease of record; the record holder of any other estate or interest in or to the building or structure or the land upon which it is located.

(2) The notice shall be served personally upon any person entitled thereto if he is found within the City limits of the City of Lodi. If any person entitled thereto is not found within the City limits, service shall be made by depositing a copy of said notice in the United States Post Office, properly enclosed in a sealed envelope, and with the postage thereon fully prepaid. Said mail shall be certified, return receipt requested, and addressed to the person entitled thereto at the address of such person as it appears on the last equalized assessment roll of the County of San Joaquin or as known to the Building Official. If no such address so appears or is known to the Building Official, then a copy shall be addressed to such person at the address of the building or structure involved. Service by certified mail shall be complete on the day of mailing. The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

(3) One copy of the notice shall be conspicuously posted on the building or structure involved.

(4) Upon giving notice as provided herein, the Building Official shall file declaration thereof certifying to the time and manner in which such notice was given and posted. He

shall also file therewith any receipt card which may have been returned to him in acknowledgement of the receipt of such notice by certified mail.

Sec. 5.56. APPEAL TO CITY COUNCIL. Any person aggrieved by any order of the Building Official hereunder to repair, vacate and repair, or demolish any building or structure, or portion thereof, may appeal such order to the City Council. The appeal which shall be in writing and which shall state the substance of the order appealed from, shall be submitted to the City Council within ten (10) days from the date of personal service or mailing of the order which is being appealed. The City Council shall set the matter for hearing. Notice of the date, hour and place of the hearing shall be posted and served at least ten (10) days before the date set for the hearing in the manner and upon the persons specified in Section 5.55. The notice shall order all interested parties who desire to be heard to appear and show cause, if any they have, why the building or structure, or portion thereof, involved in the proceedings should not be repaired, vacated and repaired, or demolished.

Sec. 5.57. HEARING BEFORE CITY COUNCIL., At the time stated in the notice, the City Council shall hold a hearing, and hear and consider any evidence offered by the Building Official, owner, occupant or person in charge and control, mortgagee or beneficiary under any deed of trust, lessee, or any other person having any estate or interest in said building or structure, pertaining to the matters set forth

in the Notice to Repair, Vacate and Repair, or Demolish. Upon the conclusion of the hearing, the City Council shall render its decision.

Sec. 5.58. ORDER OF CITY COUNCIL, If, from a full and fair consideration of the evidence and testimony received at the hearing, the City Council shall determine that the building or structure, or any portion thereof, is unsafe and a public nuisance, then it shall overrule the appeal and issue an order certified by the City Clerk:

(1) That the building or structure must be repaired, vacated and repaired, or demolished;

(2) That the occupant, lessee, or other person in possession must vacate said building or structure, or that he may remain in possession while repairs are being made;

(3) That any mortgagee, beneficiary under a deed of trust, or any other person having an interest or estate in said building or structure may, at his own risk, repair, vacate and repair, or demolish it.

The order shall (i) set forth the information required in Section 5.54; (ii) contain a statement of the particulars that render the building or structure unsafe and a public nuisance; and (iii) contain a statement of the things required to be done. The order shall specify (i) the time within which the work required must be commenced, which shall be not less than ten days after the issuance of the order, and (ii) a reasonable time within which the work shall be completed.

Sec. 5.59. SERVING AND POSTING OF ORDER OF CITY COUNCIL. Copies of the order of the City Council shall be posted on the building or structure involved and served in the manner and upon the persons specified in Section 5.55.

Sec. 5.60. VIOLATIONS. (1) The owner or other person having charge and control over any building or structure determined by the Building Official, or upon appeal by the City Council, as the case may be, to be unsafe and a public nuisance who shall fail to comply with any order to repair, vacate and repair, or demolish said building or structure, or any portion thereof, shall be guilty of a misdemeanor.

(2) The occupant or lessee in possession who fails to comply with any order to vacate said building or structure, or any portion thereof, in accordance with any order given as provided for in this Section shall be guilty of a misdemeanor.

(3) Any person who removes any notice or order posted as required in this Section shall be guilty of a misdemeanor.

Sec. 5.61. SALE, REPAIR OR DEMOLITION. Whenever an order to repair, vacate and repair, or demolish any building or structure, or any portion thereof, has not been complied with within the time set by the Building Official, or upon appeal by the City Council, as the case may be, the City Council shall have the power, in addition to any other remedy herein provided, to:

(1) Cause the material of any such building or structure to be sold in any manner that the Council may determine upon; provided, however, that any such sale shall be upon

condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned. The Council may sell any such building singly or otherwise. Any surplus from the sale of any such building or structure, or group of buildings and structures, over and above the cost of demolition and of cleaning the site shall be retained to be distributed to the parties or persons lawfully entitled thereto.

(2) Cause the building or structure to be repaired or demolished. The cost thereof shall be assessed against the property upon which the particular building or structure is located. The repair or demolition of any building or structure, or sale of the materials thereof, shall be by a contract awarded following advertisement for bids, to the lowest and best bidder in the case of repair or demolition work and to the highest and best bidder in the case of the sale of material.

Sec. 5.62. RECORD OF *COST* OF REPAIR OR DEMOLITION. Upon completion of the repair or demolition of any building or structure, *or* any portion thereof, the Chief Building Official shall prepare and file with the City Council a report specifying (1) the work done; (2) the cost of the work and incidental expenses; (3) a description of the real property upon which the building or structure was located: (4) the names and addresses of the persons entitled to notice pursuant to Section 5.55; and (5) the assessment against each lot or parcel of land proposed to be levied to pay the cost thereof. Any such report may include repair or demolition work on

any number of buildings or structures on any number of parcels of property, whether contiguous to each other or not. The term "incidental expenses" shall include, but not be limited to the expenses and costs of the City of Lodi in the preparation of notices, specifications and contracts, inspection of the work, and the costs of printing and mailing required hereunder.

Sec. 5.62. NOTICE OF ASSESSMENT HEARING. Upon filing of the report of the Building Official, the City Council by resolution shall fix the day, hour and place when it will hear and pass upon the report, together with any objections or protests which may be raised by any property owner liable to be assessed for the cost of such repair or demolition, and any other interested persons. At least ten (10) days before the date set for the hearing, the Building Official shall cause copies of his report and a notice of the filing of his report and of the day, hour and place when the Council will hear and pass upon the report, and any objections or protests thereto, to be posted and served in the manner and upon the persons specified in Section 5.55. A copy of the notice shall be published once at least ten (10) days prior to the date set for the hearing in a newspaper of general circulation, published and circulated within the City of Lodi.

Sec. 5.63. ASSESSMENT HEARING. Any person interested in and affected by the proposed assessment may file written protests or objections with the City Clerk at any time prior to the hour set for the hearing on the report of the Building



Official. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the report of the Building Official, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the cost of the repair or demolition, and any other interested persons. The Council may make such revisions, corrections, or modifications in the report as it may deem just, and the report as submitted or as revised, corrected or modified, together with the assessment shall be confirmed by resolution. The decision of the Council on the report and the assessment and all protests or objections shall be final and conclusive. The Council may adjourn the hearings from time to time.

Sec. 5.64. VALIDITY OF ASSESSMENT. The validity of any assessment levied under the provisions of this Section shall not be contested in any action or proceeding unless the same is commenced within thirty (30) days after the assessment is confirmed. Any appeal from a final judgment in such action or proceeding must be perfected within thirty (30) days after the entry of such judgment.

Sec. 5.65. ASSESSMENT OF COSTS AGAINST PROPERTY: LIEN. The amount of the cost of abating such nuisance upon the various lots or parcels of land, as confirmed by the City Council, shall constitute special assessments against the respective lots or parcels of land, and as thus made and confirmed shall constitute a lien on said property for

the amount of such assessments, respectively, until paid. Such lien shall, for all purposes, be upon a parity with the lien of State, County and City taxes.

Sec. 5.66. COLLECTION. The Director of Finance shall cause the amount of each assessment to be entered on the City assessment roll opposite the description of the particular lot or parcel of land, and the amount shall be collected together with all other taxes thereon against the lot or parcel of land. Thereafter such amounts shall be collected at the same time, and in the same manner, as general or ordinary City taxes are collected, and shall be subject to the same penalties and interest, and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary City taxes. All laws and ordinances applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such special assessments.

Sec. 5.67. INTERFERENCE PROHIBITED. It shall be unlawful for any person to obstruct, impede or interfere with any officer, agent or employee of the City of Lodi, or with any person who owns or holds any estate or interest in any building or structure, or any portion thereof, which has been ordered to be repaired, vacated and repaired, or demolished, or with any person to whom such building or structure has been lawfully sold pursuant to the provisions of this Chapter, whenever any such officer, agent, employee, purchaser or person having an interest or estate in such building or structure is engaged in repairing, vacating and

repairing, or demolishing any such building or structure pursuant to the provisions of this Section or in performing any necessary act preliminary to or incidental to such work, or authorized or directed pursuant hereto.

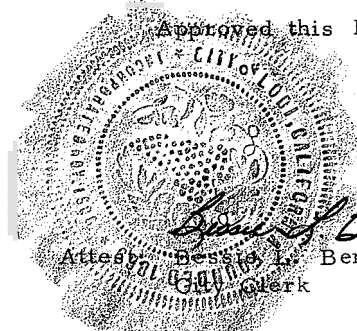
Sec. 5.68. LIABILITY OF OFFICERS, AGENTS, OR EMPLOYEES. No officer, agent or employee of the City of Lodi shall be personally liable for any damage incurred or alleged to be incurred as a result of any act required, permitted or authorized to be done or performed in the discharge of his duties pursuant to this Chapter. Any suit brought against any officer, agent or employee of the City of Lodi as a result of any act required, permitted or authorized in the discharge of his duties under this Chapter shall be deemed an action against the City and shall be defended by the City Attorney.

Sec. 5.69. LODI CITY CODE AND UNIFORM BUILDING CODE PROVISIONS UNAFFECTED HEREBY. The provisions of this Section shall not be deemed to repeal by implication any other provision of the Lodi City Code, or of the Uniform Building Code, and the adoption hereof shall not be deemed to affect or diminish the power or authority of any officer or employees of the City to condemn any building or structure erected or maintained in violation of any other provision of the Lodi City Code or of the Uniform Building Code.

Section 2. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force

and take effect thirty (30) days from and after its passage and approval.

Approved this 1st day of September, 1971.



*Walter J. Katnich*  
WALTER J. KATNICH, Mayor

*Bessie L. Bennett*  
Attest: Bessie L. Bennett  
City Clerk

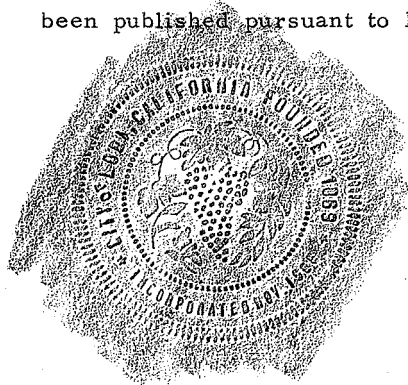
State of California

County of San Joaquin, ss.

I, Bessie L. Bennett, City Clerk of the City of Lodi, hereby certify that Ordinance No. 960 was introduced at a regular meeting of the City Council of the City of Lodi held August 18, 1971, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held September 1, 1971, by the following vote:

Ayes: Councilmen - EHRHARDT, HUGHES, KIRSTEN,  
SCHAFFER and KATNICH  
Noes: Councilmen - None  
Absent: Councilmen - None

I further certify that Ordinance No. 960 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.



*Bessie L. Bennett*  
Bessie L. Bennett  
City Clerk